

REPRINT

MEDICAL AND DENTAL PRACTITIONERS ACT (CAP. 102)

As in force at: 1 October 2009

STATUS: CURRENT

For details see Endnotes

AN ACT TO REGULATE MEDICAL AND DENTAL PRACTITIONERS IN SOLOMON ISLANDS; TO REPEAL THE MEDICAL AND DENTAL ACT AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

MEDICAL AND DENTAL PRACTITIONERS ACT (CAP. 102)

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MEDICAL AND DENTAL PRACTITIONERS ACT (Cap. 102)

As in force at: 1 October 2009

1 Short title

This Act may be cited as the *Medical and Dental Practitioners Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“**Board**” means the Medical and Dental Board established under section 3;

“**consultant**” means a specialist who is for the time being the head of a department of any institute or hospital;

“**court**” means the High Court;

“**dental officer**” means a dental practitioner who works in any institution or hospital in Solomon Islands;

“**dental practitioner**” means a person registered as a dental practitioner under this Act;

“**institute**” means a medical or dental establishment in Solomon Islands;

“**medical officer**” means a medical practitioner who works in any institution or hospital in Solomon Islands;

“**medical practitioner**” means a person registered as a medical practitioner under this Act;

“**Registrar**” means the Registrar of the Board appointed under section 5;

“**Specialist**” means a person registered as a specialist medical or dental practitioner under this Act; and

“Under Secretary” means a registered medical or dental practitioner for the time being performing the duties of such office in the Ministry of Health and Medical Services.

3 Establishment of Board

- (1) There shall be established for the purposes of this Act a body to be called the Medical and Dental Board, which shall be a body corporate to which the provisions of Part VII of the *Interpretation and General Provisions Act* shall apply.
- (2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto.

4 Functions of the Board

Subject to the provisions of this Act, the Board shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions and in particular, but without prejudice to the generality of the foregoing the Board shall have power:

- (a) to register medical and dental practitioners;
- (b) to regulate training for provisionally registered medical or dental practitioners in accredited public hospitals;
- (c) to appoint examiners to conduct examinations or otherwise examine persons applying for registration as medical or dental practitioners;
- (d) to issue certificates of registration to persons admitted or enrolled as medical or dental practitioners; and
- (e) to exercise disciplinary control and ensure the maintenance of proper standards of professional conduct by persons registered as medical or dental practitioners.

5 Appointment of Registrar and other officers

- (1) For the purposes of carrying out the provisions of this Act, there shall be appointed:

- (a) a Registrar, who shall also be the Secretary; and
 - (b) such other officers as may be necessary for the due administration of this Act.
- (2) Any appointment made under subsection (1) shall, where the person appointed is to be a public officer, be made pursuant to the *Constitution*, but otherwise shall be made by the Board on such terms and conditions as it thinks fit.

6 The Register

- (1) The Board shall cause the Registrar to keep a register (to be known as the Medical and Dental Register) of the names, addresses, qualifications, and such other particulars as may be prescribed, of all persons, who are registered pursuant to sections 7 and 8.
- (2) The register shall be open to inspection by any member of the public at all reasonable times, and a copy of the register shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.
- (3) Every person whose name is entered in the register pursuant to subsection (1), shall pay the prescribed fee to the Registrar.
- (4) Subject to the provisions of subsections (1) and (3), for the purposes of this Act, a person is registered as a medical or dental practitioner as the case may be, if his name appears on the register.
- (5) Every person whose name is entered in the register shall be entitled to use the title 'doctor' implying that he is recognised by law as a person authorised or qualified to practise in Solomon Islands.

7 Registration

- (1) Any person who:
- (a) applies to the Board in the prescribed form for registration as a medical or dental practitioner; and
 - (b) satisfies the Board that he:
 - (i) possesses the prescribed qualifications;

- (ii) is of good character; and
- (iii) is a fit and proper person to practise medicine or dentistry;
and

(c) pays such registration fee as may be prescribed,

shall be entitled to be registered as a medical or dental practitioner, as the case may be.

(2) The Registrar shall issue to every person registered as a medical or dental practitioner, as the case may be, a certificate of registration in the prescribed form.

8 Provisional or temporary registration

(1) Any person who:

(a) applies to the Board in the prescribed form for provisional or temporary registration as a medical or dental practitioner; and

(b) satisfies the Board that he:

- (i) possesses the prescribed qualifications;
- (ii) is of good character; and
- (iii) is a fit and proper person to be provisionally or temporarily registered; and

(c) pays such registration fee as may be prescribed,

shall be entitled to be provisionally or temporarily registered as a medical or dental practitioner, as the case may be.

(2) The Registrar shall issue to every person registered pursuant to subsection (1), a certificate of provisional or temporary registration in the prescribed form.

(3) For the purposes of this Act, the holder of a provisional or temporary registration certificate shall for all purposes be entitled to all rights and privileges as that of a holder of a certificate of registration and be liable for any breach in like manner.

9 Corrections of register

- (1) It shall be the duty of the Registrar:
 - (a) to remove from the register any entry which the Board directs him to remove;
 - (b) to correct in accordance with the Board's directions, any entry in the register, which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made; and
 - (c) to make from time to time any necessary alterations in any of the particulars mentioned in subsection (1) of section 6.
- (2) The Board may at any time direct the Registrar to restore to the register any name removed therefrom.

10 Additional qualifications may be entered in the register

Any person registered pursuant to sections 7 or 8, who obtains any medical, surgical or dental diploma or other qualifications other than by virtue of which he was registered, may apply to the Board to amend the register so far as it relates to the qualifications of that person, and on any such application the Board shall, if satisfied that the qualification meets the requirements of the Board or is of sufficient standing to warrant it being entered in the register, direct the Registrar to amend the register accordingly and the Registrar shall thereupon insert in the register particulars of that qualification.

11 Censure, suspension and striking off

- (1) If any person registered under this Act, is found upon enquiry by the Board:
 - (a) to be suffering from any physical or mental illness rendering him unfit to practise; or
 - (b) to have procured his registration under this Act, as a result of any misleading, false or fraudulent misrepresentation; or
 - (c) to have been convicted of a criminal offence; or

- (d) to be guilty of dishonesty, negligence, malpractice or incompetence in the performance of his functions as a medical or dental practitioner, or of conduct that is unprofessional or unbecoming of a medical or dental practitioner, as the case may be; or
- (e) to have had his qualifications for registration withdrawn or cancelled by the University or institute by which it was awarded; or
- (f) for any other reason which, in the opinion of the Board renders such person unfit to practise,

the Board may, if it thinks fit:

- (i) censure him; or
 - (ii) suspend his registration for a period not exceeding twelve months; or
 - (iii) direct the Registrar in writing to remove his name from the register; or
 - (iv) impose a fine not exceeding 5,000 penalty units.
- (2) The Board may at any time, if it thinks just, direct the Registrar to restore to the register any name removed therefrom under subsection (1).
- (3) The Board shall, as soon as practicable after:
- (a) the registration of any person has been suspended; or
 - (b) the name of any person has been removed from the register; or
 - (c) the name of any person which was so removed is restored,
- cause a notice of the appropriate fact to be published in the *Gazette*.
- (4) Whenever the name of any person has been removed from the register, the Board may in writing require such person to return to the Registrar his certificate of registration and that person shall comply with that requirement.

12 Appeal to High Court

Any person aggrieved by a decision of the Board made pursuant to sections 7, 8 or 11 may within thirty days of the date of notification of such decision appeal to the court and on any such appeal the court may make such order as it thinks proper having regard to merits of the case and the public welfare.

13 Offences and penalties

(1) Any person who:

- (a) procures or attempts to procure registration for himself or any other person by making or producing, any false or fraudulent representation or declaration either verbally or in writing or otherwise;
- (b) wilfully makes or causes to be made, any falsification in any matter relating to the register;
- (c) forges or uses, or tends to, or allows to be used by any other person any certificate issued under this Act; or
- (d) makes or has in his possession any document so closely resembling such certificate as to be calculated to deceive,

shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding 10,000 penalty units or to imprisonment not exceeding one year or to both such fine and imprisonment.

(2) Any person who, not being registered as a medical or dental practitioner, as the case may be, under this Act:

- (a) takes or uses any name, title, addition or description implying or calculated to lead persons to believe that he is registered under this Act, or that he is recognised by law as a person authorised or qualified to practise medicine or dentistry, as the case may be; or
- (b) assumes any affix indicative of any designation relating to the practice of medicine or dentistry, as the case may be; or

- (c) advertises or holds himself out as a person authorised or qualified to practise medicine or dentistry, as the case may be,

shall be guilty of an offence and shall be liable on conviction before a Magistrate to a fine not exceeding 10,000 penalty units or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

- (3) Any person who:

- (a) not being registered under this Act practises or performs any function in relation to medicine or dentistry;
- (b) being registered under this Act, allows or permits a person not so registered to practise medicine or dentistry, as the case may be, on any premises used by the registered person in the performance of his professional duties,

shall be guilty of an offence and be liable on conviction before a Magistrate to a fine not exceeding 5,000 penalty units or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

- (4) The provisions of subsection (3) shall not apply to:

- (a) any students of dentistry or medicine performing services as a part of their course of instruction or part of any examination;
- (b) any person registered or licensed under any other law, who performs or provides any service which he is authorised or entitled to perform thereunder; or
- (c) any services approved by the Board to be performed by any person in the course of his training for registration.

14 Registered persons may charge for services

Every registered medical or dental practitioner shall be entitled to practise medicine or dentistry, as the case may be, in Solomon Islands, and to demand and recover any reasonable charges for services rendered by him and for all drugs, medicine and appliances supplied by him.

15 Regulations

The Board may, with the approval of the Minister, make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations:

- (a) prescribing the manner in which registers and other records are to be maintained;
- (b) prescribing the requirements which shall be satisfied as prerequisite for registration as a medical or dental practitioner (including provisional and temporary registration) and all other matters pertaining to such registration;
- (c) prescribing the manner in which additional qualifications obtained by a person in the subject in respect of which he is registered may be added to those particulars already entered in relation to him in the register and the procedure to be followed to ensure that the particulars entered in the register are kept up to date;
- (d) prescribing fees;
- (e) designating from time to time approved training hospitals or institutions for persons seeking registration;
- (f) prescribing the manner of appealing to the Board, and as to the proceedings in any such appeal or enquiry and matters incidental to or consequential on those proceedings;
- (g) specifying the conditions and qualifications for registration;
- (h) prescribing the qualifications and manner of appointing consultants or specialists;
- (i) prescribing professional practice, conduct, etiquette and discipline;
- (j) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

16 Act not to affect chemist etc.

Nothing in this Act shall affect the lawful occupation, trade or business of any registered pharmaceutical chemist, dental hygienist, midwife or any other paramedical person.

17 Repeal and savings

- (1) The *Medical and Dental Practitioners Act* (hereinafter referred to as the “repealed Act”) is hereby repealed.
- (2) Notwithstanding such repeal, from and after the date of coming into operation of this Act:
 - (a) every person who immediately before the coming into operation of this Act was engaged in the practice of medicine or dentistry shall be deemed to be registered as a medical or dental practitioner, as the case may be, under this Act;
 - (b) all members of the former Board shall become corresponding members of the new Board and continue in office until such time as a new Board is appointed;
 - (c) all registers kept, certificates issued and other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until such time as the Board makes other provisions in that behalf; and
 - (d) any application for registration as a medical or dental practitioner as the case may be, made under the repealed Act and pending on the date of coming into operation of this Act shall continue to be valid and deemed to be an application for registration duly made under this Act.
- (3) In this section and section 18 the words “**former Board**” means the Board established under the repealed Act.

18 Rules made under repealed Act to continue

Any rules made by the former Board under the repealed Act shall be deemed to be regulations made by the Board and approved by the Minister under this Act and shall continue in force and be valid until

those rules are cancelled or new regulations are made under this Act.

SCHEDULE

(Section 3)

Constitution of the Board

1. The Board shall consist of:
 - (a) the holder of the time being of the post of Under Secretary, Ministry of Health and Medical Services;
 - (b) two registered medical practitioners who work as medical officers in the Ministry of Health and Medical Services, one of whom shall be the Medical Superintendent of the Central Hospital and the other a senior medical officer;
 - (c) one registered dental practitioner who shall be a dental officer in the Ministry of Health and Medical Services;
 - (d) two registered medical practitioners, one of whom shall be to represent non-Government hospitals and the other to represent the Solomon Islands Medical Association, appointed by the Minister; and
 - (e) one registered medical or dental practitioner to represent the private practitioners.

Tenure of office

2. The appointments shall be for a period of three years and members shall be eligible for reappointment.

Chairman

3. The Under Secretary, Ministry of Health and Medical Services shall be Chairman of the Board.

Acting appointments

4. If any member of the Board, other than the Chairman, is absent or unable to act the Minister may appoint any person to act in the

place of the member.

Resignations

5. Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister, and transmitted through the Chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Board.

Filling of vacancies

6. Where any member resigns or is removed from office and a vacancy occurs in the Board such vacancy shall be filled by the appointment of another member who shall hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

Funds of the Board

7. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Board.

Accounts and audit

8. The Board shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Board with the approval of the Minister.

Procedure and meetings

9.

(1) The Board shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held

at such places and times and on such days as the Board may determine.

- (2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any member of the Board.
- (3) A quorum of the Board shall be four.
- (4) The decisions of the Board shall be by a majority of votes, and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in case in which the voting is equal.
- (5) Minutes in proper form of each meeting shall be kept.
- (6) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Protection of members

10 No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Remuneration

11. There shall be paid from the funds of the Board to the Chairman and other members of the Board such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Members not public officers

12. The office of Chairman or member of the Board shall not be a public office for the purposes of Chapter XIII of the *Constitution*.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 102 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

2

LIST OF LEGISLATION

Medical and Dental Practitioners Act (Cap. 102)

Constituent legislation: 7 of 1988 (Commenced 1 July 1990)

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 11	amd by Act No. 14 of 2009
s 13	amd by Act No. 14 of 2009